Corps of Engineers is working to meet DNR conditions on St. Johns

By Liz Anderson

The U.S. Army Corps of Engineers is working to satisfy conditions placed on the Department of Natural Resources (DNR) Water Quality Certification for the St. Johns Bayou-New Madrid Floodway flood control project, and plan to meet with DNR officials next week to discuss their findings.

Once the Clean Water Certification is finalized by meeting those conditions, the Corps will go for a Record of Decision on the Final Supplemental Environmental Impact Statement for the project.

Once the ROD is signed by Brigadier General Don T. Riley, President of the Mississippi River Commission and Mississippi Valley Division Commander in Vicksburg, Miss., the Corps can go out for construction on the project -- once again.

In the June 9 letter from Scott Totten, DNR Director of their Water Protection and Soil Conservation Division, the conditions to Water Quality Certification are outlined.

It refers to the Memorandum of Understanding for the Protection of Big Oak Tree State Park agreed to by both agencies, and indicates that the Corps will acquire approximately 1,800 acres of land immediately surrounding Big Oak Tree State Park from willing sellers.

This must be the priority focus of project mitigation and among the first areas to be purchased.

Those acres must be reforested with a variety of bottomland hardwood species, from native genotypes, and species known to naturally occur in the park.

The trees will be monitored for five years to assess survival rates.

The Corps must design and construct the proposed Big Oak Tree State Park hydrology project, modified by Corps' specifications to ensure engineering stability.

At a minimum, this must be sufficient to transport Mississippi River water inside the park by gravity feed, inundate the park during periods of high water and then to drain from the park, via gravity feed. The DNR will operate the project once it is constructed.

The Corps must acquire lands along the park that will be necessary to build and maintain the berms and water control structures.

These shall be outside the existing park boundary so that no existing timber or wetlands are sacrificed for the construction (provided there are willing sellers for the necessary lands).

This will provide a direct connection to supply surface water from the Mississippi River as a water source for the park. This shall be by gated culvert to allow river water to flow through the frontline levee at times of higher stages, to mimic natural flooding.

The Corps will provide the necessary design work and construction for the berms and water control structures. Berms shall not be constructed until all acquisition is complete in order to maximize effective park hydrologic unit area.

The water quality certification is issued using the Corps' method of wetland delineation provided that monitoring validates that current jurisdictional wetlands remain jurisdictional wetlands after completion of the project.

If the monitoring reflects a further reduction in current jurisdictional wetlands or if additional jurisdictional wetlands have been adversely impacted by the project, the Corps shall acquire additional mitigation lands to compensate for those wetlands, within its authority and funding.

Before the water quality certification is issued, the Corps must submit a preliminary mitigation plan for the project.

A detailed mitigation plan must be submitted for each tract of land purchased for mitigation, currently estimated as 8,375 acres, plus an additional 765 acres of herbaceous lands.

A detailed mitigation plan must be submitted and approved for any current jurisdictional wetlands directly impacted by the footprint of the closure of the 1,500 foot mainline levee before any fill material can be deposited into those jurisdictional wetlands.

A detailed mitigation plan must be submitted and approved for any streams adversely impacted by the

project, currently estimated at 27.6 miles, before any component of the St. John's Bayou portion of the project has impacts on any current jurisdictional waterbodies.

The 8,375 acres of mitigation lands shall be purchased in fee. The Corps shall work with the MDNR toward timely identification and prioritization of suitable mitigation acreage for purchase.

Mitigation shall be implemented concurrently with construction of the project feature that requires mitigation.

No part of the project shall be operated until all mitigation lands are acquired and the MDNR, Missouri Department of Conservation and Department of Interior have had an opportunity to review their suitability.

If the Department does not approve the detailed mitigation plan, or if the mitigation proves to be unsuccessful, the Department shall review, suspend, modify or withdraw this certification.

The Corps shall submit a monitoring plan and receive Department approval for this plan prior to the deposition of any fill material into jurisdictional waters.

The Corps shall submit a detailed analysis that addresses the relative impacts of options "a"-"f" below before the project is constructed as recommended in the Final SEIS:

a. Construction of a 120-foot bottom width "high flow" channel adjacent to the existing St. John's Bayou waterways that would be excavated to an elevation lower than existing grade of the croplands, but higher than the existing streambed. The majority of the existing riparian corridor should be spared;

b. Construction of a "by-pass" channel, similar to above, in areas outside the corridor of the existing St. John's Bayou waterways;

c. Acquiring land or easements along all or part of the existing St. John's Bayou waterways, and grading these lands to increase conveyance/storage of floodwaters;

d. Floodproofing East Prairie through improving stormwater conveyance, construction of berms, construction of detention basins, or selective buyouts of properties;

e. The recommended alternative as outlined in the June 2002 RSEIS; and

f. A combination of the aforementioned options.

If there are no other feasible alternatives to modifying the St. Johns Bayou waterways and the portion of the project is constructed according to the June 2002 RSEIS, the following conditions shall apply:

a. Any material to be sidecast along the St. Johns Bayou ditch, will be disposed of in accordance with the June 2002 RSEIS; and excavated materials shall be utilized to the maximum extent feasible in other components of this project.

Artificial structures shall be installed to create a sinuous low-flow channel.

c. Any excavation shall be limited to one bank only in order to preserve riparian corridor and aquatic organism habitat.

Work shall be conducted during low flow whenever possible.

If monitoring shows that additional degradation of jurisdictional waters results from this project, the Corps must either implement modifications to operations to avoid impacts or undertake additional mitigation.

If the Department determines that the project has resulted in additional degradation of jurisdictional wetlands which cannot be corrected or avoided, the Department may review, suspend, modify or withdraw the 401 water quality certification.